

Message Text

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ACTION ARA-14

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 NSAE-00
NSCE-00 SSO-00 USIE-00 INRE-00 MCT-01 HA-05
AID-05 CCO-00 PM-05 H-01 INR-10 L-03 NSC-05
SP-02 OC-06 OPR-02 PA-01 USSS-00 CA-01 A-01
SCS-06 OMB-01 SS-15 SY-05 FBO-02 /105 W
-----038293 091929Z/40

O R 091848Z NAR 78
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8395
INFO USMISSION USUN NEW YORK
USMISSION GENEVA

LIMITED OFFICIAL USE SANTIAGO 1622

E. O. 11652: N/A
TAGS: SHUM, PGOV, PINS, CI
SUBJECT: GOC LIFTS STATE OF SIEGE; RETAINS STATE OF EMERGENCY

RFS: (A) 77 SANTIAGO 7572 (B) 77 SANTIAGO 6957

1. THE GOC HAS ANNOUNCED THAT THE STATE OF SIEGE, DUE TO EXPIRE MARCH 11, WILL NOT BE RENEWED. THE STATE OF EMERGENCY THROUGHOUT THE COUNTRY WILL BE EXTENDED FOR ANOTHER SIX MONTHS, HOWEVER. THE CURFEW, NOW DESCRIBED AS AN ECONOMIC RATHER THAN INTERNAL SECURITY MEASURE, APPARENTLY WILL REMAIN IN EFFECT AT THE DISCRETION OF EACH EMERGENCY MILITARY ZONE COMMANDER.

2. COMMENT: WE BELIEVE THIS CHANGE HAS FOLLOWING IMPLICATIONS:
THE GOC HAS LOST AUTHORITY TO RELEGATE OR TRANSFER INDIVIDUALS ON THE BASIS OF EXECUTIVE WRIT (THE AUTHORITY APPLIED AGAINST THE CHRISTIAN DEMOCRATIC DOZEN); DETENTION WITHOUT CHARGE MAY BE ORDERED BY THE PRESIDENT FOR A PERIOD NOT TO EXCEED FIVE DAYS, RATHER THAN FOR UNLIMITED PERIOD. (IN FACT, THE GOC HAS NOT USED ITS STATE OF SIEGE PREVENTIVE DETENTION AUTHORITY SINCE THE LIMITED OFFICIAL USE

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EXCHANGE OF JORGE MONTES IN JUNE 1977).

3. ACCORDING TO PRELIMINARY OBSERVATIONS OF A SENIOR VICARIATE OF SOLIDARITY LAWYER, TIME-OF-WAR COURT MARTIALS MAY NOW BE PRECLUDED. THE VICARIATE WILL ALSO TRY A TEST CASE TO DETERMINE IF THE GOC RETAINS AUTHORITY TO PREVENT CHILEANS WHO LEFT THE

COUNTRY IRREGULARLY OR BY EXPULSION FROM RETURNING UNLESS THEY
SIGN
SPECIAL FORMS.

4. THE CHANGE SEEMINGLY DOES NOT AFFECT THE GOC'S CONSTRAINTS
ON PRESS, EXPRESSION, ASSEMBLY OR LABOR FREEDOMS.

5. WE WILL REPORT MORE FULLY ON IMPLICATIONS OF LIFTING OF STATE
OF SIEGE AS INFORMATION BECOMES AVAILABLE.

LANDAU

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARTIAL LAW, POLICIES
Control Number: n/a
Copy: SINGLE
Draft Date: 09 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SANTIA01622
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Expiration:
Film Number: D780106-0798
Format: TEL
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197803123/aaaafiqv.tel
Line Count: 76
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON MICROFILM, TEXT ON-LINE
Message ID: 88635ebb-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3164526
Secure: OPEN
Status: <DBA CORRECTED> mcm 970818
Subject: GOC LIFTS STATE OF SIEGE; RETAINS STATE OF EMERGENCY RFS: (A) 77 SANTIAGO 7572 (B) 77 SANTIAGO 6957
TAGS: PGOV, PINS, CI, SHUM
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/88635ebb-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014